THE COURTS.

WATED STATES CIRCUIT COURT -EQUITY BRANCH A Question of River Navigation.

Before Judges Nelson and Shipman. M. Baira's. The Connecticut Shore Line Rail-...This was a motion for a provisional injunction recting a draw-bridge over the Connecticut river n the line of their road, near Lynn, below Hartford. on the mass was brought into this district to con-venience Judge Nelson, who is soliged to leave for washington Saturday morning next. Counsel for planning read a number of adidavits made by mas-ters of vessels navigating the Connecticut river, set-ting forth that the stream at the point described is ters of vessess havigating the connecticut river, setting forth that the stream at the point described is half a mile wide and the tide always strong and dangerous, and the bringe, if erected at that point, would seriously obstruct navigation, and it would be connectimes impossible to pass the draw; that it would be impossible to run a regular line of boats, and the larger boats, Cky of New York and City of Hartford, which run from New York to Hartford, would be unable to run regular trips continuously. Other statements were made in support of the plaintiff in the case. A series of airdavits were read on the other side, setting footh that the erection of a drawbridge at the point indicated would be no impediment to the navigation of the river by any of the boats at present running thereon. The reading of these amidavits occupied the court till the adjournment.

UNITED STATES CIRCUIT COURT. Appeal in Bankruptcy-Discharge from Arrest

and Judgment. Before Judge Nelson.

In the Matter of Ward E. Robinson, Bankrupt.—

The following decision has been rendered by

The petition in this case seeks a review of the decision of the court below, refusing to discharge the bankrupt from arrest and the ball, and also refusing

to-direct satisfaction of a judgment obtained in the Court of Common Pleas of this city against him by Ann Walter for some \$154 60. This judgment was re-Ann Walter for some \$154 60. This judgment was recovered 25th May, 1868. The petution in bank-ruptcy was presented on the 30th May, the same month. The application for the discharge from the arrest and for satisfaction of the judgment is founded upon section twenty-one of the Bankrupt act, which provides "that no creditor, proving his debt or claim, shall be allowed to maintain any suit at law or in equity therefor against the bankrupt, but shall be deemed to have waived all right of action and suit against the bankrupt; and all proceedings already commenced, or unsatisfied judgments already obtained thereon, shall be deemed to be discharged and surrendered thereby." Ann waiter has proved her debt or judgment in the preact bankrupt proceedings, and, upon the words of this section, there would seem to be an end of the case. The remainder of the section provides that "no creditor whose debt is provable under this act shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt until the question of the debtor's discharge shall, upon application of the bankrupt, be stayed to await the determination of the Court in Bankruptcy on the question of the discharge." It will thus be seen that a manifest distinction is made between a creditor having proved his debt and one holding a provable debt. The reason lori t is not as manifest. The judgment of Ann Walter is claimed to be founded upon a debt created by the fraud of the bankrupt; and if this be so, then, according to the thirty-third section for the court is not as manifest. The judgment of Ann Walter is claimed to be founded upon a debt created by the fraud of the bankrupt; and if this be so, then, according to the thirty-third section provides that not withstanding this he may come in and prove his debt and take his dividend. Now, Ann Walter having proved he judgment as thes authorized, wond find that judgment, taking this twenty-first section, that if the provides that not with the discharged and surrendered," notwithst overed 25th May, 1868. The petition in banking proved her judgment as thus authorized, would find that judgment, taking this twenty-first section, interaily "discharged and surrendered," notwithstanding the thirty-third section provides expressly that, if created by fraud, the discharge under the set would not affect it. We think no such intent or meaning can be reasonably imputed to the law makers, and, therefore, the thirty-third section must be regarded at least as taking a debt of this character out of the first clause of the twenty-first section; and hence that the judgment in question is not "discharged or surrendered," nor is the bankrapt coin; and hence that the judgment in question is not "discharged or surrendered," nor is the bankrapt coin; and hence that the judgment in question is not "discharged or surrendered," nor is the proceedings and judgment in the Common Pleas, the court, where the debt has the proceedings and judgment in the Common Pleas, the court, where the debt is a court, and that it would not go behind that record to call in questionits verify in the Isankrapt, court. We concur in this view, It was argued on behalf of the petitioner that the suit must be court on the ground of fraud. But the question is one of practice rather than of principle. The moste of proceeding in the Common Preas in a case where the debt is claimed to have been evened they the fraud and differ from the practice in the court of the court on the ground of fraud. But the question is one of practice rather than on principle. The most of proceeding in the Common Preas in a case where the debt is claimed to have been evene more formal and specific. The last clause of the twenty-sixt is understood to the court of the State of New York, leav, and the common Preas in a case where the debt is claimed to have been evene for formal and specific. The last clause of the twenty-sixt is understood to the court of the State of New York, leav, and the common Preas in a case where the debt is claimed to have been evene for formal and specific. The last clause of the twen

> UNITED STATES DISTRICT COURT. Condemnation of Whiskey. Before Judge Blatchford.

the matter. The compiaint is that the Register post-poned the day for the creditors to come in and show cause. Any abuse by the Register in this matter with be corrected by the court below, which has power

for the defendants, in opposition thereto, it is ordered that the defendant, its trustees, agents and servants, the president, directors and other officers of said defendant, are and each and every of them is merely enjoined and forbidden from transferring and delivering possession of the defendant's railroad, or any of the property, books, papers or effects of the defendant, or held in trust for it, to any receiver or any person claiming to be a receiver, other than such receiver as may be appointed in this action; and the directors of the defendant, the Eric Railway Company, are hereby enjoined from refusing or neglecting safely to keep said property and effects for the interests of all concerned until a receiver be appointed in this action, or until the determination of this action.

And said directors are enjoined from neglecting or omitting to run the Eric Railway and control and manage the property, concerns and affairs of the Eric Railway Company until a receiver be appointed in this action or until the determination of this action. But said Directors are forbidden and enjoined in the meaning from exercising any doubtful powers or authority without the sanction of this Court, and from issuing any new convertible bonds of the company and from converting any bonds of the company

thority without the sanction of this Court, and from issuing any new convertible bonds of the company and from converting any bonds of the company into stock thorefor.

And to enable the Court to decide intelligently whether the Eric Railway Company shall be put under the control of a receiver, Glies W. Hotchkiss, Esq. of the city of Binghamton, is hereby appointed a referre to thoroughly examine into the transactions, affairs and condition of all actions affecting the Eric Railway Company and the directors thereof, and to report to this court with all convenient speed, and file this report, with the evidence taken by him, in the office of the clerk of this court in the city of Binghamton.

hamion.

And said referee is authorized and empowered to examine the books and papers of the Eric Railway Company, and to examine on eath any person or persons whom he may believe to possess knowledge of matters material to the questions referred to him.

A true copy.

J. M. JOHNSON, Clerk.

COURT CALENDAR-THIS DAY.

SCPREME COURT—GENERAL TERM.—Nos. 208, 213, 216, 217, 218, 219, 221, 223, 224, 225, 226, 228, 229, 230, 231, 232, 234, 235, 237, SUPREME COURT—CHROUT.—Nos. 1627, 1639, 1604, 1645, 1645, 1645, 1645, 1645, 1645, 1645, 1645, 1645, 1645, 1645, 1645, 1645, 1645, 1671, 1672, 1681, 1683, +MARINE COURT—TRIAL TRIM.—Nos. 944, 802, 925, 1003, 807, 903, 1025, 1026, 1045,

CITY INTELLIGENCE.

THE WEATHER YESTERDAY. -The following record

will show the changes in the temperature for the past twenty-four hours, as indicated by the ther-

 12 M.
 52

 Average temperature.
 32

 Average temperature Tuesday.
 29%

 THE FIRE COMMISSIONES.—A meeting of the

Beard of Fire Commissioners was held yesterday,

but no business of an important character was trans-

ACCIDENT IN FIFTY-FIRST STREET.-John Mooney,

aged sixty-six years, was yesterday knocked down

by an embankment of earth in Fifty-first street, be-tween First and Second avenues, and had both of his legs fractured. He was taken to Bellevue Hospital.

FIRE IN PIFTY-FIRST STREET .- At eleven o'clock

on Tuesday evening a stable situate on Futy-first

street, between Tenth and Tweifth avenues, was consumed. It was owned by the Carman estate and occupied by Charles Hillott and John S. Sampson. Loss §3,900, upon which there is no insurance.

FREE LECTURES. -Dr. John P. Garrish will this evening deliver toe first of a series of free lectures

on spathaimic and aural medicine and surgery at the

Cosmopolitan Hospical rooms, 66 West Thirty fourth street. The subject will be particularly interesting to students of insuicine and the profession gene-vally.

The United States cs. Fice Barrels of Distilled Spirits.—A jury was empanelled and the above encalled on. No claimant, however, apat Beaver street, was condemned by default. Mr. Rollins, Assistant United States District Attorney, for the government.

SUPREME COURT-SPECIAL TERM. Another Erie Muddle-Result of a Lot of Judicial Torpedoes. Before conflicting Judges.

August Belmont vs. The Eric Radioay Company. It will be remembered that Judge Sutherland. after adjournment, at the regular chambers, in the Beimont action against the Eric directors, appointed ex-Judge Henry E. Davice receiver, with limited and defined powers over the property of the Eric Railway Company. This was about a week since. An appeal was taken from this order by the defendants. Judge Sutherland bad. order by the defendants. Judge Sutherland bad, prior to the appointment of Davies, set aside Judge Barnard's ex parte order appointing Jay Gould trustee of the company. Within a few hours at most after judge Sutherland's appointment of Davies, Judge Cardozo granted an order ex parte staying proceedings under Judge Sutherland's orders, and notice of motion for reargument was subsequently served by defendants, returnable on the first Monday of December, Judge Cardozo will then be holding the regular Special Term at Chambers by due assignment, and the motion would necessarily come before him.

The Belmont party then obtained from Judge Sutherland as ex parte order requiring the detendants to show cause why the order of Judge Cardozo staying Judge Sutherland's proceedings should not be set aside. This was to be heard at eleven o'clock justerday morning.

yesterday morning. In the meantime the Eric party obtained another ex parte order returnable at ten o'clock before Judge Cardozo at Special Term, in the new Coart Home, requiring the plaintiff (Belmont) to show cause why the order of Judge Sutherland, citing the defen-dants to appear and show cause why Judge Car-dozo's order should not be vacated, should not itself be set aside.

be set aside.

Counsel of course appeared in response to Judge Cardozo's mandate and an argument took place in which both sides were heard, the respondents, the Belmont party, cistming that the order of Judge Cardozo was irrequistly issued, not being granted by the judge ussigned to hold the regular special Town at chambers. The gist of the argument was on the respondents' side that the order did not conform to the provisions of the code, and the other side replied that while in a measure it did not conform it had become recognized in this county by almost universal practice. Judge-Cardozo took the papers, reserving his decision.

reserving his decision.

"All bands" then "went for" Judge Sutherland, in the brown stone building, at Special Term at Chamber, taily sharpened for another "set to," if necessary, on the question of the order granted by the latter judge, returnable at eleven of look, having reterence to the setting aride of Judge Carriozofs first order. After some unimportant decuasion, on the application of the counsel on benefit of the Returnation of the counsel on benefit of the Returnation of the counsel on benefit of the Benefit of the dear that the would conter with Judge Cardozo meantline.

STIPREME COURT -- SPECIAL TERM -- BROOME COUNTY. Judge Belener's Opinion in the Erle Reliway

Receivership.
The People of the State of New York of the Side

Rathway Company .- Phis is an action brought by the Attorney General, upon leave granted by a justice of this court, pursuant to section 400 of the Code of Procedure, for the purpose of vacating or atmaiting the existence of the defendant as a corporation.

FIRE IN HARLEM .- At cight o'clock yesterday Motion by plainting (upon an order to show cappe) morning a frame house, owned and occupied by Mr. for an injunction and receiver. Michael Show, almates on Second avenue, between

Mr. Hammond, Deputy Attorney General, and Mr. Redited for the people.

Mr. Shearman and others for defendant.

Judge liaicons—This action is brought by the Attorney ceneral in the name of the people of the State. on leave granted by a justice of this State. On leave granted by a justice of this State. On leave granted by a justice of this State. On leave granted by a justice of this State. On leave granted by which provides, the torney General, in the name of the people of the State, on leave granted by the Supreme Control a jusge thereof, for the purpose of vacating the charter or annuling the existence of a corporation, other than nunicipal, whenever such corporation shall do or omit to do certain acts, among which are these:—First, offend against any of the provisions of the act or acts creating, altering or renewing such corporation; or second, violate the provisions of any law by which such corporation shall have forfeited its charter by abuse of its powers; or, third, whenever it shall exercise a franchise or privilege not conferred upon it by law. This section makes it the duty of the Attorney General, whenever he shall have reason to believe that any of the acts or omissions specified therein can be established by proof, to apply for leave, and upon leave granted, to oring the action in the more of the companies of the defendant in the complaint to warrant the conference by affidavits or an answer. The complaint the defendant and its directors by stockholder in the complaint to warrant the control of the companies of the defendant in which actions and the pointed receiver in a similar action brought by a stockholder in the First district, held in Howe vs. I bene land others (48 Barbour, 504), that the vasiorial bowers conferred upon the Court of Chancery by the Revised Statutes, relative to proceedings against corporations in equity, can only be exercised by the suppreme Court on an application made at the instance of the corporation, or of a director or other officer laving a general spowers, I take it

112th and 113th streets, took fire. Loss \$500; insured for \$3,000 in the North American Insurance Company. The adjoints, frame house, owned and occupied by Catharine Low, was damaged about \$200. FIRE IN FIFTH STREET.-Between two and three o'clock yesterday morning a fire broke out in the rear house, No. 528 Flith street. It was owned by Samuel Fold and occupied by Frank Martin as a shoe shop. Loss on building \$800; insured for \$2,000 in the Merchanta' Insurance Company; on stock \$4,500, which was insured in the Relief Insurance Company for \$3,000 and in various other companies for a similar amount.

an inquest yesterday at 66 Market street over the remains of Annie H. Kerr, aged eight years, who death was the result of burns accidentally received. The deceased was rocking an infant to sleep on Tuesday, when a brother of hers pointed a blazing stick at her in play and thereby set her dress on lire, and she was so severely burned before and reached her that death ensued yesterday. A verdict of accidental death was rendered.

NEW YORK CALEDONIAN CLUB.-At the annual meeting of this association, held at their club rooms, 118 Sullivan street, on Tuesday evening, the 1st inst., the following gentlemen were elected the officers for the year 1869:—John Goldie, Chief; George Giliniy, First Chieftain; George Mitchell, Second Chieftain; John Watt, Third Chieftain; Henry Chomson, Fourth Chieftain. Finance Committee—William Manson, John McLellan, Thomas Barciay. Property Committee—Andrew F. Dykes, William Deans, Matnew Goldie.

THE INTERNATIONAL OCEAN TELEGRAPH COMternational Ocean Telegraph Company was held yesterday. The following officers were chosen:— General William F. Smith, President; Alexander Hamilton, Jr., Vice President; David H. Haight, Secretary and Treasurer. Directors—General W. F. Smith, Alexander Hamilton, Jr., David H. Haight, Robert I. Livingston, William T. Blodgett, Oliver K. King, James J. Sanford, Israel Corse, Edward S. Sanford, James A. Scrymser, T. Bailey Myers, William G. Fargo, John J. Astor.

MERTING OF BRICKLAYERS.—About 100 bricklayers. evening in secret meeting, at Milleman's Hall, cor-

SUDDEN DEATHS .- Alexander Oakley, aged fortyeven, a native of England, dropped dead yesterday at 102 East Twenty-second street from disease of the

at 102 East Twenty-Socond server from the heart.

Annie Wilson, aged thirty-seven and a native of Ireland, died suddenly on Tuesday night at No. 7 New Chambers street.

John Hannfelt died suddenly at a late hour on Tuesday night in Sixth avenne, near Harlem lane.

Catharine Haskins was found sick in Flity-fifth street and Third avenue and soon after her arrival at St. Luke's Hospital, on Tuesday evening, death ensued.

An unknown man who was lodging at 357 Fourth avenue was found dead in his bed yesterday morning.
The Coroners will hold inquests in each of these cases as soon as possible.

POLICE INTELLIGENCE.

THE NINTH WARD AFFRAY .- John Wing, whose skull was fractured during an altercation in a tene-ment house at No. 9 Weehawken street on Monday night, the particulars of which appeared in the HERALD of yesterday, it is reported, died in Bellevue Hospital at ten A. M. on Tuesday morning. ALLEGED LARCENY.—John Brown, of No. 1 Fur-

man street, Brooklyn, took temporary lodgings on Tuesday night at 336 Water street, occupying the same room with Sarah Morrell. He saw her yesier-day morning take his pocketbook, containing forty-five dollars, from beneath the pillow where he had placed it. Whea Sarah was arraigned before Alder-man Moore, at the Tombs, she was remanded for

BER.—At five o'clock yesterday morning J. A. Marsh, late of the firm of Temple & Marsh, brokers, Wall street, who about a week ago secured \$15,000 on the credit of the firm from Hussin's Sons, Wall sirest, and was arrested in Memphis a few days after, arrived in this city in charge of detectives McClune and Hastings, of that city. Mr. Marsh returned voluntarily, without awaiting a requisition.

CORRECTION.—In the account of the shooting of

Patrick Kelly, reported in yesterday's HERALD, the statement was made that Dan Noble, the party charged with the crime, was arrested by roundsman Pickett, of the Eighth precinct. This informa-tion was obtained from the officials at that station house. Noble was arrested by detectives Ticman and Smith, of the Central office, assisted by Pickett, who was detailed by Captain Mills to accompany

HERALD will remember that on the 29th of August last William J. Howell, of No. 187 Sixth avenue. caused the arrest of Daniel K. Colborn, whom, he alleged, on the 7th day of February last, by means of false and fraudulent representations, defrauded him out of the sum of \$1,000. Justice Dodge yesterday discharged the prisoner from custody, as there was not sufficient evidence produced on the examination to substantiate the allegations set forth by Mr. Howell in his affidavit.

ALLEGED ATTEMPTED BURGLARY .- William L. Shaw and Charles L. Howe were arraigned at Jefferson Market yesterday, by officer Heaney, of the Fifteenth precinct, upon complaint of Francis Chichester, of No. 676 Broadway, charged with bur-glariously entering his premises, at the above num-ber, on Tuesday night, by means of forcing open a rear window, and attempting to steal a quantity of clothing, valued at \$1,000. They pleaded not guilty to the charge, but were committed in default of \$1,600 ball each to answer at the General Sessions. THE ALLEGED GIFT JEWELRY SWINDLE .- George Griffin, the proprietor of the gift jewelry store at 482 Broadway, was arraigned before Alderman 482 Broadway, was arraigned before Alderman Moore yesterday at the Tombs to answer a charge of swindling. It appears that a sailor named Charles Fritz was induced to enter the premises kept by Griffin, and there staked \$150 on the "envelope" game in hopes of obtaining a prize; but as the end proved abortive he caused the arrest of Griffin and an alleged confederate named Moran. As the case seemed a clear one of fraud the acting magistrate heid Griffin for trial, though he released Moran for want of evidence. The complainant was sent to the House of Detention.

ALLEGED FORGERY .- On the 16th uit Charles I. ALLEGED FORGERY.—On the 16th ult. Charles L. Foxwell, a coal broker, appeared at the counter of the National Bank of Commerce and presented a check for \$750, signed Josiah L. Leverett & Co., per James B. Davenport, and drawn in favor of William H. Talmage & Co., of No. 12 Pine street. The receiving teiler, Josiah A. Northrup, found the check endorsed with the name of William A. Talmage & Co., and believing the same to be genuine, he accepted the check and placed the amount named to the that the check was a forgery and issued without the gredit of Foxwell. Since then the teiler has discovered knowledge of Messrs. Talmage & Co. Foxwell was arrested and arraigned before Alderman Moore, at the Tombs, yesterday, when he denied all guilty knowledge of the check. The Alderman held him for examination and allowed him to give bail in the sum of \$2,000.

sum of \$2,000. ALLEGED BURGLARY.—An ex-policeman named James Hefferon, who is now proprietor of a sallors' boarding house at No. 98 Madison street, appeared boarding house at No. 96 Madison street, appeared at the Essex Market Police Court yesterday, charged with burgiariously entering the liquor store of Brien Reilly, Assistant Alderman, at No. 41 Market street, and stealing therefrom \$3,000 in currency and some olgars, valued at \$7.50. About one o'clock yesterday morning Hefferon was found on the upper foor of the building, having in his possession a jimmy, skeleton keys and a quantity of clgars. A recept from the New York Gas Company, which Mr. Reilly's bartender recognized as one of the papers left in the desk from which the money was taken, was found beside the prisoner. Two men, supposed to be accomplices, were seen to leave the premises just before the police entered; but neither of them have been arrested yet. None of the money has been recovered. Hefferon accounted for his appearance in the house by saying that a woman took him there. Justice Mansfield committed the prisoner to answer.

Alleged Illegal Voting.—The following per-

ALLEGED ILLEGAL VOTING .- The following persons were held at the Jefferson Market Police Court yesterday charged with illegal voting on Tuesday:-James Moran, Twentieth district, Eighteenth ward.
James Pierson, First district, Ninth ward.
Bernard Rock, Eighth district, Eighteenth ward.
John Watson, First district, Fifteenth ward.
Christopher Brown, Sixth district, Eighteenth

Timothy Conlan, Twentleth district, Eighteenth ward. Nathaniel Merrifield, Sixteenth district, Eighth

ward.
Peter Trainor, Tenth district, Eighteenth ward.
Robert Slack, Fourteenth district, Ninth ward.
George Wilcox, Fifteenth district, Ninth ward.
John M. Boyd, Sixteenth district, Eighin ward.
William Daring, Sixth district, Sixteenth ward.
John Reader, Ninth district, Sixteenth ward.
Thes. McCormack, Fifth district, Sixteenth ward.
Alexander McDonald, Sixth district, Sixteenth ward.

bolas Norton, Sixteenth district, Eighth ward. John Clancey, Sevenin district, Eichteenth ward. Fannel Morrison, Fifteenth district, Malin ward. John Keating, Stath district, Stateenth ward. Charles Smisk, First district, Eighlü Ward.

ARREST OF SUPERINTENDENT KENNEDY.

Coroner Flynn Claims Mrs. Gatewood's Property from Mr. Kennedy and Falls-He Issues a Warrant for the Arrest of the Poli Superintendent.

A very singular state of affairs occurred year

when Coroner Flynn caused the arrest of Mr. John A. Kennedy, the Superintendent of the Metr. opolitan Police, because he refused to surrender pr. operty left by Mrs. Gatewood, who committed suic de a day or two since at 44 Washington square. I' 4 appears that the Coroner, who has charge of the case of Mrs. Gatewood, considered that he had, a right to the temporary custody of the three trunks which belonged to Mrs. Gatewood and chiech had been taken temporary custody of the three trunks which be-longed to Mrs. Gatewood and which had been taken possession of by the police as alleged stolen pro-perty. He yesterds, called upon Mr. Kennedy at Police Headquaryers and made his demand for the trunks in due form. The Superintendent informed him that the property had been selzed as stolen property, and as a portion of the head alleged stolen property and been selzed it stolen property and as a portion of it had alread been idenvided as such he could not consent to surender the same until some further inquiry had bee made. Angry words then ensued between the Corner apid the Superintendent, when Coroner Flyn left tike Central Omee in no amiable mood, having irst declared his intention to try a decided course if the matter.

as declared as an experience of the matter. Soon after two o'clock yesterday afternoon Micennedy was waited on at his office by Deput thering Barker and Ryan, who rather abruptly in orined the Superintendent that they had a warran orined the Superintendent that they had a warran to the superintendent that the superintendent that they from Coroner Flynn for his arrest. The warrant we exhibited for his information and read as follows: exhibited for his information and read as follows:

Croners' Office, State of New York, City and County of M.
Fork.—To the Sheriff of the city and county of New York, any constable or policeman of the city of New York,—
Whereas John A. Kennedy, Superintendent, &c., stancharged before me, one of the coroners in and for the as
wood from her fate residence, &f washington square, witho
authority under the law, the coroners of the city and coun
not having viewed the body of deceased or given any permision for any action by the police in the premises; these at
therefore, in the name of the people of the State of Ne
York, to command you, the said constable said policem
and every of you, to apprehend the body of the said delan
and and forthwith bring him before me, or some other cor
ner for the city and county of New York, at the Coroner
office, in the said city, to answer the said charge and to
dealt with as the law directs.

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Given under my hand and seal, this 2d day of December, 1888.

Mr. Kennedy expressed his surprise at the hasty and harsn course taken by the Coroner, as it was a mere matter of dispute and ought to be easily undersiood and arranged. He made no objection to the arrest, however, and accompanied the deputies to a carriage at the door and was taken to the Coroners' office, where Coroner Rollins happened to be. The deputies seemed to consider that they ought to take Mr. Kennedy before the Coroner granting the warrant, though Mr. Flynn was not to be found readily, as he was absent at Believue Hospital taking an ante-mortem statement of the man shot on Tuesday in the Twenty-first ward. The Superintendent sent for Mr. Bookstaver, a member of the firm of Brown, Hail and Vanderpoel, to act as his counsel, that firm being the regularly retained counsel for the Board of Police. As the same firm are also counsel for the Board of Coroners and the Sheriff, Mr. Bookstaver was somewhat nonplussed how to act in the premises. He went away for a few minutes, and on his return announced that Coroner Flynn could with propriety assume charge of the case, so the latter decided to allow Mr. Kennedy to go on his parole until to-day, when an examination will be held at the office of Brown, Hall & Vanderpoel, corner of Broadway and Reade street.

The inquest on the remains of Mrs. Gatewood has been indefinitely postponed.

THE NINTH AVENUE FIRE.

Acknowledgment by the Incendiary of the Commission of the Crime of Arson.

Some further developments have recently come to light showing the course and operations of the instreet fire, and the very arduous task the officers of the law undertook in capturing him, and establishes the fact that with the present system of police duty a criminal has rare chances of ecaping justice.

The fire broke out at about a quarter past one

o'clock on the morning of the 26th inst., and was

first discovered by the Twenty-second precinct po-lice issuing from the weather boards of the building fronting on Fiftieth street. Diligent exertions of firemen and police succeeded in putting out the fire, which, however, had previously communicated to the only stairway by which the occupants of the house could escape. The police rescued a family named Taylor from the burning building, in which they would surely have perished had not such assistance been rendered. Mrs. Taylor stated before the Fire Marshal that the first intimation she had of the fire was the breaking of giass in a window through which the flames were bursting, within two feet of the pillow on which herself and children were sleeping. The body of the fire was raging furiously in the spartment beneath Mrs. Taylor's bedchamber, and to this room the fire was mainly confined. After the flames had been extinguished Fire Marshal Brackett proceeded to take a view of the "situation." The liquor store was occupied by Frederick Baden and Frenerick Elling as his barkeeper. On a counter shelf the marshal discovered a quantity of kindling wood saturated with kerosene oil, which established at once the fact that the fire was of incendiary origin. kerosene on, which established at once the fact that the fire was of incendiary origin. An inquiry revealed the fact that Eaden and his barkeeper were at a ball in Fifty-third street, and officers McLaughin and Cottrell, of the Twenty-second pre-cinct, were sent there to arrest them. An investigaonet, were sent there to arrest them. An investiga-tion of Marshal Brackett developed the fact that teroscne oil had been very freely used on the remises, and a gallon developed. cinct, were sent there to arrest them. An investigation of Marshal Brackett developed the lact that
herosche oil had been very freely used on the
premises, and a gallon demijohn containing
a rew drops of oil was found near a pile of kindling
wood on a counter shelf. Baden was subjected to a
careful examination, during which he stated that he
left the store before twelve o'clock, in company with
two friends, and had not left the ballroom until arrested. The following moraing Baden and Elling
were taken before Justice Connolly, at the Yorkville
Police Court, and there remanded to the station
house, at the request of Marshal Brackett, who was
proceeding with an investigation. Baven's examination revealed the fact that one of his friends,
named Joseph Roll, who was at the ball with,him,
was inclicated in the burning of the building. A
careful search was made for Roll, but he had
left the city. Marshal Brackett applied himself to
the capture of him with considerable energy. He
was traced from New York to Meirosa, from there to
Morrisania, then back to New York, thence to Gutenberg and sgain to New York. Officers McLaughlin and Cottrell traced him to Spangenberg's saloon
in Third street, between avenues B and C, but he
was gone before they could arrest him, having
escaped through a back door and leaving his coat
behind. At this saloon all trace of Roll was lost.
Marshal Brackett gave the matter his personal attendance, and while scouring the east side of New
York city he learned that Roll had secreted himself
in the neighborhood of Centroville, N. J. This information he obtained at seven o'clock J. This information he obtained and help the obtained capaties at Keyport. The Marshal directed
his two officers, Miller and Relnisch, to take the train
for

Repport and be, in company with officers McLaughlin and Cottrell, arrived there at half-past tweive
P. M.

The Marshal learned that Roll would probably be
found at the saloon of Mrs. Bornhauser, which he
ascertained from a watchman on board the steamer
Matteawan. The house was situated about four
miles back of Keyport, on the Middletown road.
After considerable delay the Marshal obtained a conveyance and proceeded on a ride of nearly an hour,
Just back of the main road, on the border of a piece
of dense woods, the house was found. They drove
some distance beyond the house, alighted and made
a survey of the premises. Officers were stationed
around the house to prevent the escape
of their prisoner, and the Marshal Knocked
for admittance. Mrs. Bornhauser opened
the door, and in reply to the Marshal's inquiries
showed him where Roll was sleeping. The Marshal's "man" was found in bed and at once arrested.
Mrs. Bornhauser seemed to know nothing of the
affair, and stated that Roll had been invited to the
house by a companion, who is one of her guests, to
remain until morning. Roll was taken to the police
beat at Keyport and the party arrived in this city on
Tuesday morning. After his arrest Roll preserved a
dogged silence, and was indifferent to the operations
of his captors. He signified his willingness to return to New York and on arriving here was locked
up in the Twenty-second precinct station house.

The Fire Marshal here played a little strategy. He of his captors. He signified his willingness to return to New York and on arriving here was looked
up in the Twenty-second precinct station house.

The Fire Marshal here played a little strategy. He
placed officer Reinisch in a cell located between the
two in which the prisoners Roll and Barten were
confined. The two latter kept up a lively conversation, not aware of the fact that an officer was listention, not aware of the fact that an officer was listening. For nearly two hours Reinisch listened to their
eriminations and recriminations, and at the expiration of that time the prisoners were taken to the
captain's room, where they were confronted by
Reinisch, who told them what he had heard. Benial
was useless and Roll made a full confession voluntarily, in which he stated that he had been infinced
to set fire to the place of Baden in consideration of
\$200, which sum he was to receive as soon as Baden
obtained his insurance. He further acknowledged having purchased three quarts of
kerosene oil, and detaited where and when
the purchase was made, how the wood had
been saturated with the oil and praced bening the
bar. From one to two quarts had been known on
the bed clothes in the bedroom, and then the fires
were lighted. He then left and joined taken at the
hallroom, where the latter was arrested. In conclinding his confession Roll stated, and was cor-

hnolly was granted. Be den, were taken befor lice Court yesterday, w oth the prisoners, Roll and re the Justice at Yorkvill sterday, where they were committed a. Altogether the entire story is one interest, and will form quite a in the annals of exciting criminal or examina

THE FORT LAPAVETTE FIRE.

Total Ruin-Incidents, &c.
The confingration at Fort Lafayette, which was se

fully and accurately reported in the HERALD on Wednesday morning, ceased its devastating work shortly after nine o'clock yesterday morning, by which time the last remnant of combustible material accessible to the devouring element was absorbed, and naught save the crumbling, charred and blackened walls of that which in 1812 was regarded as one of our finest specimens of engineering skill re-mained to tell the tale of former prowess and glory. It is not, indeed, to be won-dered, then, that many a sigh of regret should be heaved by the gallent men of our army throughout the country who have spent many hours within its precincts in the course of their term of service; nor, on the other hand, is it strange if the many hundreds who have lingered in captivity within the confines of its casemated chambers for their sins of disloyalty should rejoice at the wreck and ruin of their prison house. In the South there is many an exultant aspiration breatned to-day, upon the receipt of the news of the demolition of Fort Lafayette, by the erring sons of the nation who were forced to make themselves at home at the "Motel de Burke," which latter title it gained from the urbane Colonel Martin Burke, whose name was so widely known as the jailer of the "modern Bas-

tile" during the war.

presented to view on entering the fort yesterday was one of much grandeur. The fire still smoul-dering in the southwest angle of the structure, bewhich the wind swept in a constant and strong current, fresh from "Old Ocean," through the port hole rent, iresn from "Old Ocean," through the port holes and crevices of the work, fanned afresh the dormant spark and bore evidence of the great heat which had so recently pervaded the confines of the place.

The arches supporting the second tier of guns in battery being of timber succumbed readily to the

The arches supporting the second tier of guns in battery being of timber succumbed readily to the flames, and the immense weight of metal contained in the heavy guns mounted thereon soon bore down and fell through to the lower tier. The heavy Parrot guns, 100-pounders, ten in number, and the twenty-three ten-inch Columbiads of the casemates, being where they fell in magnificent confusion, with iron boilts, bars and appurtenances scattered about. Shot and shell, exploded and otherwise, lay strewn around on the seaside front, portions of the broken shells being scattered in every direction, resembling in some respects the interior of Fort Sumter after an engagement. The wood work, dooring, window frames, &c., in all the officers' and prisoners' quarters, with the exteption of three casemated apartments on the southeast side (those occupied by S. R. Maliory, Cole, the pirate of Lake Michigan, and that of the rebeil Attorney General) were destroyed. These escaped, the doors being iron and there was no lumber in the vicinity. The joists and heavy timbers being prepared for the new roof which was in course of construction were consumed. The powder magazine was certainly in warm quarters, but the danger of explosion, upon close unspection, does not seem to have been so imminent as was originally supposed. The powder is kept in a bombproof apartment, the arches of which are of solid mason work. The outer apartment, against the door of which was sione work. A space of three feet or so intervened between this latter door and the inner one in which the dreaded powder was stored. The fire burned the door leading to the shell room, set fire to the floor and burned the boxes from around the shrapnel, which was piled up on the floor near the entrance. Here it ceased, and fortunately so, too, without even heating the outside door of the magazine. So that after all the general latur was not based on substantial reasons, though there is something peculiarly terrible in the very possibility of an explosion of the nodern projectie flames, and the immense weight of metal contained

view towards enlarging and improving the work, but owing to the failure of Congress to make the necessary appropriation of funds for the consummation of this object the matter feli through and so the matter rested. The fort in question was originally designed as a water battery to Fort Hamilton, and is situated about 500 yards from the shore.

THE REMINISCENCES OF THE WAR connected with this work are "varied and entertaining," in the words of the play bill. Here it was, as previously stated, that Colonel Burke presided as chief custodian and jaller of all refractory prisoners of war and State during the memorable period of the rebellion, ever mindful of the trust reposed in him and carning for himself a reputation at once enviable and unenviable in the performance of his disagreeable dutics.

Among the prisoners of note confined there was Admiral Buchanan, of the rebel navy, who lost his leg and was taken at the capture of Mobile, Ara. The Admiral is said to have been "the heavlest grumbler ever borne on the prison roster of Fort Lafayette."

S. R. Mallory, the Secretary of the Confederate navy, occupied a casemate here until the loth of March, 1866.

Charles James Faulkner, formerly Minister to France and for several successive terms member of Congress from Marthasburg, Va., was confined here; and Assistant Surgeon William M. Page, of Virginia, also.

James Branch, Mayor of Washington; James

Congress from Markinsburg, Va., was confined here; and Assistant Surgeon William M. Page, of Virginia, also.

James Biranch, Mayor of Washington; James Hayde, of Baltimore, Md.; Senator Hill, of Georgia; General Pitz Hugh Lee, son of Robert E. Lee; Cole, the pirate of Lake Michigan—each dwelt for a term within the marrow limits of this celebrated work. Kennedy, the New York hotel burner, spent the last hours of his life here and here finally paid the penalty of his crime. His body is interred in the reserve ground near Port Hamilton. Bigadier General Stone, of the United States Army, was also confined at this fort for several months for some reason or other, which was never divulged by the War Department.

In 1853-4 the rations were full and ample that were issued to the prisoners, but subsequently the Secretary of War concluded to curtail the lighter materials, such as coffee and sugar, which were disallowed. This gave rise to much complaint among the prisoners, who could not appreciate the necessity for this course of economy on the part of the "Northern government." The ration was, however, plentiful in the substantials, and Mr. Mallory frequently declared that he was compelled to walk about in order to digest his allowance, which was regarded as fair ordence on the part of the authorities that the their for fear of an explosion so abruptly on Tuesday afternoon and evening, returned to their homes yesterday, imuch rejoiced at finding everything in the same order as when they left their domiciles the day previous.

An Investigation.

For the purpose of having a full investigation as to the origin of the fire and the extent of the danger to which the people had been subjected, [Assistant Fire Marshal Keady proceeded to the place yester day morning and took the following testimony:-

William Lane, superintendent of repairs, sworn: I reside in New Jersey; am superintendent of the works at Fort Lafayette, under General Joan New-ton; I had fourteen men at work putting a shed over the casemates at Port Lafayette yesterday; the men went to dinner at twelve o'clock, noon; I was not resent at that time, but it is the usual custom for the men to go to dinner at twelve o'clock; I know nothing of the origin of the fire of my own knowledge; I know that these fourteen men went there in the morning to work; I was there in the afternoon; I gave the men orders to warm their coffee in the guard room; all ordinary precaution was used against fire; the fireplace, where the fire was made, was a regular fireplace, built of brick and consid-ered perfectly safe.

was a regular fireplace, built of order and considered perfectly safe.
Joseph Minew, sworn:—I reside at Fort Hamilton; I am employed in the Engineer department, and was at Fort Lafayette yesterday when the fire brok, out about ten minutes before twelve o'clock A. M. I went in and made a fire in the large fireplace on the first floor, on the right hand side from the gate; the room was used for soldiers' quarters; when I made the fire I left and rang the ben for twelve o'clock; all the men then went to dinner after the bell was were lighted. He then left and joined Baden at the halfrom, where the latter was arrested. In concluding his confession Roll stated, and was correlected by Baden, that the barksceper had nothing to do with and was wholly free from any perfections that therein. This fact, from the testimony of the will rest. The fact, from the testimony of the will rest. The fact, from the testimony of the will rest. The fact, from the testimony of the will rest. The fact, from the testimony of the will rest. The many the men then went to dinner after the bell was fact, after dance went out on the dock to amuse ourselves at puching quoiss; we were pitching quoiss about ten minutes when we saw the fire all the men then went to dinner after the bell was fact, after dance we went out on the dock to amuse ourselves at puching quoiss; we were pitching quois

side—the Fort Hamilton side; before taking the beast we went up and looked at the fire to see how it broke out; it broke out over the gateway from sparks from the chimney; I made the fire that my self and other workmen might warm their coffee; I had no idea that it was going to set fire to the roof at all; there was a fire in the same place on the day previous, but those are the only two days that fires have been made there; I do not know that there is any rule which prohibits the men from making fires in the fort; the guard have a coal fire there; It was understood that the guard did not want us to warm our coffee on their fire; I made the fire of chilppings and logs, pine wood; it was not a large fire; I did not notice anything unusual about the fire; I did not notice anything unusual about the fire; I did not notice anything unusual about the fire; I did not notice anything unusual about the fire; I did not notice anything unusual about the fire; I did not notice anything unusual about the fire reliable to the fire of the fire was smoke rolling down in the yard of Fort Layquete: It came from the roof onear the middle of the building from a fire made by the previous witness to warm coffee; I saw the fire when it was less than a foot in diameter on the roof of the fort in the shingles; some men came to look for buckets but found aone; there was nothing to put out the fire with; I went to take out my tools and other property, but in less than five minutes it was ten feet square; it went like shavings; we were compelled to lower ourselves by ropes, because the fire was over the stairway; when we got into the yard the place was full of smoke and fire run through the sally ports; we then got orders to leave by the offerer, who said there was danger of the magazine exploding; aft hands, officers included, then left the burning forters, and sought safety on the shore; I think the origin of the fire was purely accidental.

The Assistant Fire Marshal made the following statement in regard to the condition of the fort

THE TWENTY-FIRST WARD SHOOTING AFFRAY. Ante-Mortem Examination.

Coroner Flynn proceeded yesterday afternoon to Bellevue Hospital and obtained the anto-mortem statement of Patrick J. Kelly, of No. 410 West Fortyninth street, who was shot on Tuesday afternoon in Thirty-sixth street during a row over the election.

Thirty-sixth street during a row over the election. The statement was as follows:—

On the 1st instant, about half-past one o'clock P.
M., I was standing in the polling place on Second avenue, between Thirty-fourth and Thirty-fifth streets. I was there to challenge lilegal voters. I challenged a man whom I had seen before, but who I don't think lives in the district. The man attempted to vote and I challenged him. I then went outside the poiling place. The man whom I had challenged and another man came up to me and made an offensive remark. I said to them. "You need not expect anybody here to be scared." I waiked away from them towards Second avenue, When I got to the poiling place of the Ninth district, in Second avenue, between Thirty-fifth and Thirty-sixth streets, I saw a tall man about six feet high, sim built, red features—a rather good looking young man. He and Sheriff O'Briert were in a crowd of about ten in number running towards us up Second avenue, Then I tried to run away, when the tail man came alongside of me and said. "You stand now," and pulled open his coat. I continued running down Thirty-sixth street towards Pirst avenue, and cried out "Police," because I thought he was pulling out a revolver from his side pocket. Immediately is say the tail man close towards First avenue, and cried out "Police," because I thought he was pulling out a revolver from his side pocket. Immediately I saw the tail man close to me. I heard the report of a pistol and found myseif shot in the left side. I cried out, "I am shot," then this man (pointing to Daniel Noble, the prisoner,) pulled me down, but he is not the man who shot me. Another shot was fired, which entered my face on the left side, a little above the lip. A crowd god around me and kicked and clubbed me. I screamed out "Dou't murder me." Two policemen soon after came up and carried me to a drug siore, and thence to Bellevue Hospital.

The Coroner then adjourned the further hearing of

to Bellevue Hospital.

The Coroner then adjourned the further bearing of evidence until to-day, and in the meantime announced that the prisoner (ban Nolle) was released from the custody of the police, and that he had been placed under the control of Deputy SheAir Peter McKnight for the present.

BOARD OF EBUCATION.

The Trouble Between the Board and the Trustees of the Twenty-first Ward,

This Roard met last evening at the hall of the Board corner of Grand and Elm streets, with the President, Mr. R. L. Larremore, in the chain. The condoling, as circumstances prescribed, on the results of the recent election. Mr. Vance, who, during eight years past, has proved himself to be a me efficient member of the Board and an unflincing advocate of the system and a firm friend of both teachers and scholars, having been obliged by the flat of the "unterrified" or the Sixteenth ward to retire from the position which he has graced during his term of office, was the recipient of many evidences and assurances of regret at the result of the election

from the position which he has graced during his term of office, was the recipient of many evidences and assurances of regret at the result of the election in his case.

When the roll had been called and a quorum was found to be present the usual roudine was gone through with, and when a few matters of minor importance had been transacted the Board took up the report of the Committee on By-laws, Elections and Qualifications in regard to the conflict of authority between the Board to the conflict of authority between the Board of Education and the local Board of the Twenty-first ward, which was referred to the committee at the previous meeting of the Board. This matter was one of more than ordinary importance, which fact could readily be seen from the universal anxiety which seemed to pervade all the Commissioners and the large crowd of spectators present at the meeting. The report of the committee was quite lengthy, and after reciting fully the grounds of the dispute between the general and local boards recommended the adoption of the following resolution:

Resolved, That this Board adheres to its action in reference to its decisions in cases of appeal by teachers from the soling the removal or in removing teachers employed in the male department of Grammar School No. If its said ward, and in their interpretation of the law resimple the hand that the cierk of his Board be directed to notify the trustees of said ward of the passage of this resolution; and that the cierk of his Board be directed to notify the trustees of said ward of the passage of the schooling and that it has trustees of the school immediately, and to remain in countries of the admission and department in each and every particular, until the first tay of January, 1893.

Commissioner Nelison odered to a warm debate, Messrs, Nelison and the report and reconting that the committee should go there are the performance of their duties. This amendment gave rise to a warm debate, Messrs, Nelison and the report and resolution offered by the committee we

After a little further unimportant business the

THE CENTRAL PARK MUSEUM:

The following are some of the donations to the Central Park Zoological and Mineralogical Departments since those last acknowledged:—
One Mexican lion, captured near Lavado, on the

Upper Rio Grande. Presented by Brevet Brigadier General N. B. McLaughien, Captain Fourth United States cavalry. One grizzly bear, a rare and valuable animal,

brought from the Rocky Mountains, and presented by Mr. T. C. Durant. Fifty-two packages of rare seeds, presented by Mr. H. Hall, United States Cousni, Sydney, Australia. One purple gallinule, presented by Henry Balser, M. D.

M. D.
A specimen of granite used by the Momons inbuilding their Temple at Utah. Presented by Rev.
Vincent Paies, United States Army.
One pair Sebright bantams. Presented by Mr.
James Tucker.
One duck. Presented by Colonel C. A. Johnson.
One Tee-Tee monkey. Presented by Mr. HanryFriedman.

One pair rabbits. Presented by Master Theodorn Gliman.

One pair prairie dogs. Presented by Mr. Henry.

Keep.

One white lipped peccary. Presented by Captain

Geo. B. Slocam.

One ratticanase. Presented by Mr. Jas. Marshall..

Bisonian Elorement,—The Shelby (Ky.) Sentingly of the 2sth nit, says—One of the most remarked instances of clopement of which we have ever heard occurred at Harrisonville, in this county, on Friday last, Harrison, J. Whitehouse left an interesting wife and six children and cloped with a worse, twelve years his sentor, he mother of three children and with of his brother; now an old man, taging with him one of his brother's norses.